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60,010-074; H2678-SS

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 6 and 21-23 have been amended, including renumbering of claims 21-23 as claims 22-24. Claims 7, 14, 15, and 21-23 are allowable if rewritten in independent form. Claims 1-4, 6-8, and 11-24 are pending in the application.

REJECTION OF CLAIMS 14, 15, 21, 22 UNDER §112, 1st Paragraph

Claims 14, 15, 21, and 22 were rejected in 35 U.S.C. §112, first paragraph, for failing to reasonably convey that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner has the initial burden of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims (MPEP 2163, part II.). The Examiner argues that the reference to the "plurality of ribs" in the claims could either mean member 104 in Figure 4 or each member such as 98 or 102 in Figure 4, and that clarification of the term "ribs" on the record is necessary. Respectfully, Applicant disagrees that clarification is necessary under the §112, first paragraph rejection. The first paragraph of §112 requires support in the specification for the claim term, not that Applicant precisely define the claim term. The Examiner admits that the specification supports the claim term "plurality of ribs." Therefore, by the Examiner's own reasoning, one of ordinary skill in the art would have been able to recognize in the disclosure a description of the invention defined by the claims. For this reason, the rejection should be withdrawn.

CLAIM OBJECTIONS

Claims 21-23 were objected to as being misnumbered. The claims have been amended as suggested by the Examiner, and Applicant respectfully requests that the objection be withdrawn.

Claims 6 and 7 were objected to as improperly being depending on cancelled claim 5. Claim 6 has been amended to depend from claim 1 as suggested by the Examiner, and Applicant respectfully requests that the objection be withdrawn.

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REJECTION OF CLAIMS 1-4, 6, 8, 11, 12, and 19 UNDER §103(a)

Claims 1-4, 6, 8, 11, 12, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over de Nora in view of Fuglevand. The Examiner argues that de Nora discloses all of the claimed features except a wave spring. The Examiner argues that Fuglevand discloses a wave spring and that it would have been obvious to replace the resilient member of de Nora with the wave spring of Fuglevand because the resilient member and the wave spring perform the same function of maintaining compression in a fuel cell.

Applicant disagrees because the rejection fails to provide proper motivation. A proper motivation to modify a base reference requires some benefit to result from the combination. The Examiner admits that the wave spring of Fuglevand and the resilient member of de Nora would *perform the same function*. Therefore, one of ordinary skill in the art would not be motivated to use the wave spring instead of the resilient member because there is no advantage or benefit to doing so. For this reason, the rejection fails to establish *prima facie* obvious and should be withdrawn.

Additionally, de Nora teaches against making the proposed modification. The de Nora references teaches that the use of support ribs is undesirable (col. 3, lines 28-32, 60-64). The wave springs of Fuglevand appear to utilize support ribs to hold the wave springs in place (Figure 2, the inner cavity of cathode cover 71 shows support ribs). Therefore, in view of the teachings of de Nora, one of ordinary skill in the art would not be motivated to use the wave springs of Fuglevand instead of the resilient member of de Nora because of the drawbacks noted in de Nora associated with support ribs.

Further, de Nora also teaches that the coiled structure of the resilient member provides a large number of contact points for collecting and transmitting current between the cathode 14 and the cathode end plate 10 (col. 10, lines 26-34). Therefore, one of ordinary skill in the art would not be motivated to use the wave springs of Fuglevand instead of the resilient member of de Nora because the wave springs have fewer contact points and would result in pressure points that give rise to undesirable current concentrations (col.3, lines 52-59).

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REJECTION OF CLAIMS 1-4, 6, 8, 11, 12, and 19 UNDER §103(a)

Claims 13, 16, 17, 18, 20, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over de Nora in view of Molter. The Examiner argues that de Nora discloses all of the claimed limitations except a spring frame having a side facing toward the electrochemical cavity and another side facing away from said electrochemical cavity and at least one spring frame opening that extends between said sides for receiving said spring and permitting fluid flow between the sides. The Examiner argues that the gasket (216 or 236) and end plate (212 or 232) of Molter are the claimed frame and that it would have been obvious to modify the end plate 10 of de Nora with the gasket/end plate of Molter because the end plate 01 of de Nora and the gasket/plate of Molter "perform the same function of securing a resilient device and containing fluid."

Applicant disagrees because the rejection fails to provide proper motivation. A proper motivation to modify a base reference requires some benefit to result from the combination. The Examiner admits that the gasket/plate of Molter and the end plate 10 of de Nora would *perform the same function*. Therefore, one of ordinary skill in the art would not be motivated to use the gasket/plate of Molter instead of the end plate of de Nora because there is no advantage or benefit to doing so. For this reason, the rejection fails to establish *prima facie* obvious and should be withdrawn.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 08-0835 in the name of Hamilton Sundstrand for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States
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Matthew L. Koziarz